



Submission on South Australia's next State Disability Inclusion Plan

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Thank you for the opportunity to provide feedback on South Australia's next State Disability Inclusion Plan (the Plan). Strengthening the rights of people with disability.

As you are aware, my mandate is to advocate at a systemic level for the rights, interests and wellbeing of all children and young people in South Australia. This has been drawn from not only my own experience as Acting Commissioner, but from the wealth of experiences shared with me by children and young people living with disability as detailed in the many reports, submissions and papers produced by the Inaugural Commissioner over eight years.

In 2022, the inaugural Commissioner released the [Checkbox to Commitment](#) report where she raised the voices of children and young people with disability. Children and young people told her that they should be viewed as children first, with similar likes, hopes, wishes and dreams as any other child and wanted adults and organisations to respond accordingly. This report made the following findings and recommendations.

- That participation goes beyond physical accessibility and includes access to meaningful social connections, to information they can understand, and to enabling them to feel safe and respected by being valued, accepted, listened to, and taken seriously in all situations and settings.
- That public sector staff must undertake specific DAIP responsibility, child-specific disability awareness and engagement training, so they can provide more appropriate individual and systemic responses.
- That meaningful engagement processes for children and young people living with disability with actionable and specific goals, measures, and timeframes be developed and implemented.
- That child-focused feedback and complaint mechanisms need to be developed that support children and young people living with disability to readily raise issues of concern, ensuring their issues are acted upon and/ or monitored over time by a suitable oversight mechanism.

It is commendable that since this time there has been increasing awareness and some improved responses in relation to children and young people with disability. However, there is still some way to go and a statewide Plan with sound outcomes and strong data will go a long way to fill any gaps.

In respect to children and young people, the inaugural Commissioner's final report, [Missing Out: Systemic discrimination of children and young people in South Australia](#), found evidence of:

- Gatekeeping practices and other forms of discrimination are systemic barriers to early years settings and school enrolment and attendance for children and young people living with disability from a young age. As these practices are not recorded in any way, they cannot be tracked.
- Children and young people with disability make up high proportions of students who are suspended and/or excluded from government schools in South Australia. Data relating to disability are not publicly available and there's no independent appeal mechanism.

- A lack of child-focused safeguarding mechanisms to protect children living with disability from restrictive practices, including in education settings.
- Children and young people living with disability being less likely than those without disability to fully engage or complete school and are less likely to be employed.
- Children and young people living with disability interact with a range of systems and services, but their views are rarely sought or considered.

In respect to the Plan itself, I commend the inclusion of children as one of the seven priority groups, however question why there is no overarching vision. I also commend the introduction of measurable outcomes to improve access, opportunity, support, wellbeing, and justice for people living with disability. At the same time, I would highlight caution around data collection in relation to these measures, due to manipulation resulting in data not presenting the reality of their everyday lives.

To ensure we are collecting the data that would make a real difference to peoples' lives we should hear from people living with disability first and ask what data and outcomes they would like measured. It is crucial to ask children and young people living with disability about their experiences.

To address some of these issues I submit that the draft plan consider the following:

1. Being clearer about an overarching vision for the Plan, as per the previous Plan.
2. Testing data collection methods before full roll out to ensure it reflects the outcomes that state wants to achieve and involving people living with disability, including children and young people in the development of these.
3. Considering how data or information can be collected about people with disability who have been turned away from services.
4. Ensuring that the collection data is collected in relation to children and young people for all measures possible, not just adults.
5. Collecting data that can be broken down to publish data on the seven priority groups that includes children. This will ensure that any outcomes are not hidden and these groups are not left behind.
6. Including important measures relating to children and young people which are currently missing. These are relevant to the 'Domains' in the Plan and are needed to provide a fuller picture of the lives of those with disability. These measures include:

a. Access

- i. consulting and engaging with children and young people living with disability and facilitating participation in decision-making (relevant to Domain 1, Priority Area 7)

Relevant reports/submissions include:

[Missing out - Commissioner for Children and Young People From Checkbox to Commitment 2023-02-24-Submission-on-South-Australias-Autism-Strategy.pdf](#)

b. Opportunity

- i. data on exclusions and suspensions, in early childhood education and schools (relevant to Domain 2, Priority Area 2)
- ii. data on school completion (relevant to Domain 2, Priority Area 2)

- iii. data on sense of wellbeing and belonging at school (relevant to Domain 2, Priority Area 2).

Relevant reports/submissions include:

[Missing out - Commissioner for Children and Young People From Checkbox to Commitment](#)
[The Blame Game | The causes and impacts of education exclusion](#)
[Keeping Our Promises 2024 - Commissioner for Children and Young People](#)
[Submission on School Exclusions and Children with Disability, 2019](#)
[2023-02-24-Submission-on-South-Australias-Autism-Strategy.pdf](#)
[Submission on the potential for a Human Rights Act for South Australia - Commissioner for Children and Young People](#)

c. Support

- i. ensuring young carers of people with disability are provided with dedicated supports and services (relevant to Domain 3, Priority Area 4)

Relevant reports/submissions include:

[Missing out - Commissioner for Children and Young People](#)
[Take Care - Commissioner for Children and Young People](#)
[Submission to the Inquiry into the Recognition of Unpaid Carers, 2023](#)
[Keeping Our Promises 2024 - Commissioner for Children and Young People](#)

d. Wellbeing

- i. collecting data on patients presenting with dual diagnoses and their outcomes. As an example, in its submission to the South Australian Law Reform Institute on the review of the Mental Health Act, the Office for the Public Advocate noted their clients with dual diagnoses face difficulties accessing mental health treatment due to stringent conditions under the *Mental Health Act*. (relevant to Domain 4, Priority Area 3)

e. Justice

- i. collecting data on how many children and young people living with disability are in youth justice detention (relevant to Domain 5 which does not currently include a measure on knowing how many people living with disability are in the justice system)
- ii. collecting data on support services for children and young people with disability to keep them out of the justice system (relevant to Domain 5, Priority Area 3)
- iii. introducing an independent appeals mechanism, including for suspensions and exclusions from school and restrictive practices in education and other settings (relevant to Domain 5, Priority Area 5).

Relevant reports/submissions include:

[Missing out - Commissioner for Children and Young People](#)

[Screen-Child-Rights-Progress-Report-2024-Disability.pdf](#)
[Screen-Child-Rights-Progress-Report-2024-Child-Justice.pdf](#)
[2023-02-24-Submission-on-South-Australias-Autism-Strategy.pdf](#)

Although, the *Disability and Inclusion Act* has strengthened the rights of people with disability, I also support the SA Parliament's Social Development Committee's recommendation for South Australia to implement an overarching Human Rights Act. A South Australian Human Rights Act would see better protection of human rights for all people in the state by consolidating the piecemeal rights and protections that are scattered throughout different legislation into one comprehensive Act. This will ensure that all laws, policies and approaches are developed through a human rights lens.

Yours sincerely,



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